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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,935	12/29/2003	Chien-I Wu	03245-URS	7080
33804	7590	08/09/2005	EXAMINER	
SUPREME PATENT SERVICES POST OFFICE BOX 2339 SARATOGA, CA 95070			STASHICK, ANTHONY D	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tolm

Office Action Summary	Application No.	Applicant(s)	
	10/747,935	WU, CHIEN-I	
	Examiner	Art Unit	
	Anthony Stashick	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12292003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 24 as shown in Figures 3-5 and 229 as shown in Figure 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: reference number 22 is not shown in the figures as disclosed in paragraph [0023] line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "the heel" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Hoza 2,614,342 or Issler et al. 6,029,310 in view of Stritter 2,220,555.

Hoza'342 discloses all the limitations of the claims including the following: a sole structure comprising an upper 10 and a sole 1 bonded by stitching 20; a gadroon 15 forming along the outer periphery of the sole (see Figures); the gadroon having a depth for stitching so that the stitching stitches the sole under the upper along the contour of the sole (see Figure 4). Hoza does not disclose the stitching and gadroon around the heel portion. Stritter '555 teaches that stitching 28 for a shoe can be located around a heel portion (see Figure 1) to aid in attaching the heel portion of the sole to the upper. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to stitch the entire periphery of the sole of Hoza to the upper to aid in attaching and holding the sole to the upper and prevent accidental removal of the sole during use.

Issler et al. '310 discloses all the limitations of the claims including the following: a sole structure comprising an upper 12 and a sole 34 bonded by stitching 51; a gadroon 72 forming along the outer periphery of the sole (see Figures 7 and 8); the gadroon 72 having a depth for stitching so that the stitching stitches the sole under the upper along the contour of the sole (see col. 3, lines 17-34). Issler et al. does not disclose the stitching and gadroon around the heel portion. Stritter '555 teaches that stitching 28 for a shoe can be located around a heel portion

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(see Figure 1) to aid in attaching the heel portion of the sole to the upper. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to stitch the entire periphery of the sole of Issler et al. to the upper to aid in attaching and holding the sole to the upper and prevent accidental removal of the sole during use.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above in view of Nicholson 5,038,500. The references as applied to claim 2 disclose all the limitations of the claim except for the front portion having a size smaller than the size of the sole. Nicholson '500 teaches that a shoe sole can be made in multiple parts that are separately attached to the bottom portion of the upper (16A, 16B). This allows for slip resistance to be applied to those areas that contact the ground and a lightening of the sole, leaving out that portion that does not contact the ground. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to make the sole of the references as applied to claim 1 above out of more than one piece and separately attach those pieces to the bottom of the upper to save on material cost and weight of the sole.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above in view of Hall 2,040,131. The references as applied to claim 1 above disclose all the limitations of the claim except for the gadroon being filled up with a welt that covers the stitching. Hall '131 teaches that a stitch groove 12 located on the bottom of a sole can be filled with a welt 16 to aid in protecting the stitches in the groove from being frayed or torn during use. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to fill the stitch groove of the references as applied to claim 1 above, after applying the stitches, to protect the stitch line from fraying and tearing during use.

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9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 3 above in view of Hall 2,040,131. The references as applied to claim 3 above disclose all the limitations of the claim except for the gadroon being filled up with a welt that covers the stitching. Hall '131 teaches that a stitch groove 12 located on the bottom of a sole can be filled with a welt 16 to aid in protecting the stitches in the groove from being frayed or torn during use. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to fill the stitch groove of the references as applied to claim 3 above, after applying the stitches, to protect the stitch line from fraying and tearing during use.

Conclusion

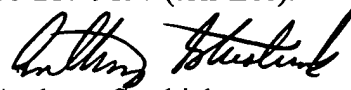
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form 892 enclosed herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Stashick whose telephone number is 571-272-4561. The examiner can normally be reached on Monday-Thursday 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Stashick
Primary Examiner
Art Unit 3728

ADS